IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE V.ESWARAIAH

WRIT PETITION NO. 17801 OF 2006

Dated : April 24, 2007

Between:

Mohd. Ghouse

Petitioner

AND

The Station House Officer,
Indrapalem Police Station
East Godavari District and another

Respondents

THE HON'BLE MR. JUSTICE V.ESWARAIAH

WRIT PETITION NO. 17801 OF 2006

ORAL ORDER:

The case of the petitioner is that the crime vehicle relating to crime No. 76 of 2006 registered for the offence

under Sec. 337 IPC by the Station House Officer, Indrapalem Police Station, East Godavari District, has nothing to do with the petitioner, as his Motor Cycle bearing No.AP-9/AT-4190 is a Auto Geared Activa whereas the vehicle involved is Spendor with the same Registration Number.

It is stated that the petitioner has nothing to do with the said crime vehicle and the police are unnecessarily calling him to the Police Station and making visits time and again and interfering with the personal liberty life and liberty.

A counter affidavit has been filed by the Sub-Inspector of Police, Indrapalem Police Station, stating that pursuant to the message received from the Government Hospital, Kakinada, the statement of injured lady Mrs. Shaik Nagaramma wife of late Nagur, was recorded in which it was alleged that on 3.06.2006 when she was proceeding to Indrapalem Market Area to collect labour charges, the rider of the motor cycle bearing No. AP-9/AT-4190 drove the vehicle in a rash and negligent manner and dashed against her from the backside, as a result of which she fell down and sustained bleeding injuries on her legs and hands. Accordingly, the said Cr. No. 76 of 2006 was registered for the offence under Sec. 337 IPC. It

is also stated that the investigation made so far revealed that the said vehicle belongs to the petitioner and, therefore, the Head Constable was deputed to approach the petitioner, but he was not available at his house.

As the name of the petitioner was not mentioned in the FIR, during the course of investigation, the petitioner was called to submit the particulars. I am of the opinion that since the investigation made so far established that the vehicle belonged to the petitioner, there is nothing wrong in making the investigation by implicating the owner of the said vehicle, unless the petitioner comes forward as furnishes the particulars of the driver of the said vehicle at that point of time. Consequently, the writ petition fails and is accordingly dismissed. No order as to costs.

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JUSTICE V.ESWARAIAH

April 24, 2007
MAS